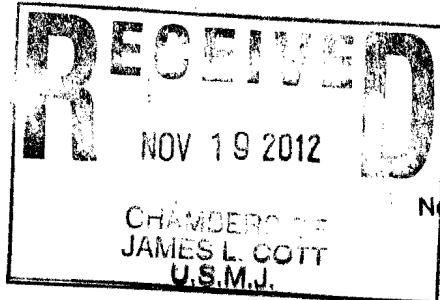


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November 19, 2012

By Fax (212) 805-7990

Hon. James L. Cott  
United States District Court  
Southern District of New York  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl Street  
New York, New York 10007

USDC SDNY  
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DATE FILED: 11/19/12

Re: *Marshak v. Schaffner, et al.*  
Docket # 11-CV-1104 (DLC) (JLC)

Dear Judge Cott:

We represent Defendants Katherine Schaffner and Vaughn Thornton, as Executor for the Estate of Gladys Horton, in the above-referenced action. We are writing to inform Your Honor that the parties in this action have reached a settlement in principle and are in the process of executing the final settlement agreement. Defendants-Counterclaim Plaintiffs have executed their copies of the agreement, and we are awaiting receipt of a signed copy from Plaintiff-Counterclaim Defendant Larry Marshak. Upon receipt of Mr. Marshak's executed agreement, the parties will file a stipulation of dismissal. Accordingly, the parties respectfully request that the settlement conference scheduled with Your Honor for tomorrow, November 20, 2012, be cancelled. Counsel for Mr. Marshak joins this request.

Respectfully submitted,

*Keren Zinner/P.S.*  
Keren B. Zinner

The conference is adjourned  
Sine die. I will provide  
Judge Cott with a copy of  
this letter. So ORDERED

*James L. Cott*  
USM J 11/19/12

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